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| 09/589,313      | 06/07/2000  | Donald Spector       | F.11134             | 8934             |

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/589,313

Applicant(s)

SPECTOR, DONALD

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-12 are presented for examination.

#### Oath/Declaration

2. The oath/declaration is objected to because it does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

#### Claim Objections

3. Claim 1 is objected to because of the following informalities:

Each step of the claim should end with a semicolon to differentiate the elements from the components.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (6,336,099 hereinafter) in view of Von Kohorn (5,249,044 hereinafter Von Kohorn).

With respect to claim 1, Barnett teaches a system for generating discount or promotional coupons (see Abstract). A receiver located at a viewer's premises, said receiver including a communication device (i.e. the user uses personal computer 6 to communicate his coupons request and selections to Online provider 2)(figure 1 and col. 7, lines 1-5),

data processing means, responsive to selections by the viewer, for transmitting a request for a particular coupon to a broadcaster central station via said communication device (i.e. the users selections are communicated to the Online service provider 2 where the coupons are made public and known to the users)(Figure 1 and col. 6, lines 66-, col. 7, lines 1-5),

means included within said broadcaster central station for transmitting to a manufacturer coupon generator station a coupon request, which request includes a specific information regarding the product of interest (i.e. the Online service provider 2 transmits the specific coupon request and user's data to the coupon distributor 16)(Figure 1),

first means included within said manufacturer's coupon generator station for receiving specific information regarding said product of interest, said manufacture's coupon generator station also having available point-of-sale information regarding said product (i.e. the coupon distributor receives the specific coupon selection and

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information from the various retail stores as to which coupons are being redeemed)(Figure 1 and col. 5, lines 28-34),

second means included within said manufacturer's coupon generation station for analyzing said specific information regarding said product of interest, and said point-of-sale information and issuing a coupon to said viewer based on said analyzed information(i.e. the information related to the coupons selected is supplied to the coupon distributor 16, and the information obtained from various retailers stores as to which coupons are redeemed in order to more intelligent market subsequent coupons and target coupon issuance in a more cost effective manner)(col. 5, lines 28-34).

Barnett doesn't specifically teach the receiver being a television receiver consisting of a remote control for coupon selection. On the other hand, Von Kohorn teaches a coupon dispensing system wherein the user television receiver 12 and remote control 14 operated by viewer 13 to generate and dispense tokens or coupons 2 (see figure 1). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the system of Barnett with the teachings of Von Kohorn of the receiver being a television receiver consisting of a remote control for coupon selection because such a modification would increase the usage of the system of Barnett by implementing it in a common device such as a television and a control remote which is already owned by most households.

With respect to claim 2, Barnett further teaches wherein said request for a coupon includes information specifying a time when said coupon is requested (i.e.

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demographic data file 42 contains data representative of the time that the user requested the coupon package 40).

Claim 3 further recites that the manufacturer's coupon generator station includes means for comparing the time when the coupon was requested with the time when the product of interest was broadcast. Since, Barnett teaches the coupon distributor (manufacturer) receives selection data for when the coupons are selected and the times when the coupon was viewed (broadcast)(Abstract) then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included making a comparison between the time when the coupons are requested from when the time when the coupons are broadcasted because such a modification would allow the manufacturer to better target the incentives or coupons to each user based on the user habits.

With respect to claim 4, Barnett further teaches issuing said coupon at a value intended to provide maximum sales of said product of interest (i.e. the manufacture issues the coupon of interest at the redemption amount 74).

With respect to claim 5, the combination of Barnett and Von Kohorn do not specifically teach a value which varies depending on the geographic location of the user. Nevertheless, a customer located in Alaska would have a greater need for a winter coat and therefore the coupon distributor may want to vary the value of the coupon accordingly. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included coupon value which varies depending on the geographic location of the viewer because such a modification

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would provide a more target system based on the customers needs.

With respect to claim 6, Barnett further teaches that said coupon is short life coupon (i.e. certain coupons have to be used/redeemed within one month from the day printed)(col. 11, lines 66-, col. 12, lines 1-8).

With respect to claim 7, Barnett further teaches that the coupon, upon issuance, is printed for said viewer by a printer attached to said data processing means (Figure 1, item 8).

With respect to claim 8, Barnett further teaches that the coupon, upon issuance is electronically stored by said data processing means (i.e. the coupons are stored in the output buffer 28)(col. 11, lines 30-34)

With respect to claim 9, Barnett further teaches that the electronically stored coupon can subsequently be printed or redeemed electronically by said viewer (i.e. the coupon are redeemed electronically by sending the coupon data in the output buffer via the communications interface 20 back to the Online service provider 2)(col. 11, lines 32-38).

With respect to claim 10, Barnett doesn't specifically teach hat the coupon includes inquiries which may be electronically or manually answered by said viewer as part of a contest. On the other hand, Von Kohorn teaches that a token (coupon) is generated which contains a serial number and customer's information such as the customer's name and that information is used to enter the customers in a contest where they can win additional prizes (col. 8, lines 19-41). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in

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the system of Barnett the teachings of Von Kohorn of the coupon including inquiries which may be electronically answered by said viewer as part of a contest because such a modification would motivate the customers to supply the requested information.

With respect to claim 11, Barnett further teaches assembling and transmitting consumer profile information along with said information regarding the product of interest (i.e. the demographic file 42 along with the user's product selections is assembled and transmitted to the Online service)(see figure 9).

With respect to claim 12, Barnett further teaches wherein said coupon is a promotional coupon (see Figure 5).

**Point of contact**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



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Raquel Alvarez  
Examiner  
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R.A.  
May 21, 2003